HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.NO. 12791 OF 2007

Between:

Kokkula Janaiah

… Petitioner

and

The Superintendent of Police,
Karimnagar District and another

… Respondents

HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.NO. 12791 OF 2007

ORAL ORDER:

It is the case of the petitioner that in spite of a written intimation dated 31.3.2007, no action has been taken for registering a case and that as the offences alleged in the complaint are cognizable in nature, two more representations were submitted to the 1st respondent on 11.4.2007 and 2.6.2007.

A counter affidavit has been filed stating that no such representation dated 31.3.2007 was received. It is further stated that insofar as the representation dated 11.4.2007 submitted to the 1st respondent by the petitioner is concerned, the same was endorsed on the same day and forwarded to the Circle Inspector of Police, Karimnagar Rural. Accordingly, a case in Cr.No.177 of 2007 for the offences punishable under Sections 457 and 380 of the Indian Penal Code (for short 'the Code') was registered on 11.7.2007. Insofar as the 2nd representation dated 2.6.2007 submitted to the 1st respondent is concerned, the same was again forwarded by the 1st respondent to the Circle Inspector of Police on 3.6.2007 and the same was received by

the 2nd respondent on 5.6.2007, based on which a case in Cr.No.180 of 2007 was registered for the offences punishable under Sections 447, 427, 457 and 380 of the Code, on 15.7.2007.

Having regard to the facts leading to this case, I am of the opinion that there is no justification on the part of the 2nd respondent in delayed action in registering the case on the basis of the written information furnished on 11.4.2007, till 11.7.2007. After filing the written representation, it took three months (3) time for the 2nd respondent-S.I. of Police, Karimnagar, to register a case. Even in respect of the second complaint also, there is no justification for the delayed registration of the case when the written intimation was received through the Inspector of Police on 5.6.2007 itself, whereas the criminal case was registered after 10 days i.e. on 15.7.2007.

Having regard to the facts and circumstances of the case, the 1st respondent is directed to take appropriate action for dereliction of duties on the part of the 2nd respondent for delayed registration of the crime, in accordance with law.

The writ petition is disposed of. No costs.

V. ESWARAIAH, J

DATE: 17.7.2007
CVM